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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,473	12/31/2003	Kavin Du	121532	3931

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SEATTLE, WA 98101-2347

EXAMINER
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SERRAO, RANODHI N

ART UNIT	PAPER NUMBER
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2141

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/13/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/749,473

Applicant(s)

DU ET AL.

Examiner

Ranodhi Serrao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 12-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-10 and 12-35 have been considered but are moot in view of the new ground(s) of rejection.
2. The applicant argued in substance the newly added limitations of independent claims 1, 12, 22, and 30. However, the new grounds teach these and the added features. See rejections below.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4-10, 13, 14, 29-32, 34, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Siegel et al. (2002/0082931).
5. As per claim 1, Siegel et al. teaches a method for communicating information regarding a selected item available for purchase to a user present at a location of a first retail entity, the method comprising: while the user remains present at the location of the first retail entity, which first retail entity is different than a second retail entity (¶ 71), the second retail entity: receiving an image from the user using an imaging device, wherein the image contains identifying data associated with the selected item as provided by the first retail entity (¶ 34 and ¶ 37); extracting the identifying data from the image (¶ 48);

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using the identifying data to obtain item information associated with the selected item, wherein the selected item is available for purchase from the second retail entity (§ 69); and communicating the item information from the second retail entity to the imaging device for delivery to the user (§ 70).

6. As per claim 2, Siegel et al. teaches a method, further comprising outputting the item information on a visual display of the imaging device when the item information is communicated from the second retail entity to the imaging device (§ 70).

7. As per claim 4, Siegel et al. teaches a method, wherein the imaging device is a digital camera capable of communicating the image containing the identifying data (§ 34).

8. As per claim 5, Siegel et al. teaches a method, wherein the imaging device is a mobile telephone having a component for capturing an image containing the identifying data (§ 37).

9. As per claim 6, Siegel et al. teaches a method, wherein the imaging device is a portable computing device having a component for capturing an image containing the identifying data (§ 37).

10. As per claim 7, Siegel et al. teaches a method, wherein the method further comprises: compiling historical data based on a number of times an image has been received from different imaging devices, said image containing identifying data associated with the selected item; using the historical data to estimate consumer demand for the selected item; and generating a report that forecasts future purchasing activity for the selected item based on the estimated consumer demand (§ 64).

11. As per claim 8, Siegel et al. teaches a method, wherein the item information comprises rating information for the selected item associated with the identifying data (§ 57).
12. As per claim 9, Siegel et al. teaches a method, wherein the item information comprises price information for the selected item associated with the identifying data (§ 57).
13. As per claim 10, Siegel et al. teaches a method, wherein the identifying data comprises a universal product code (§ 46).
14. As per claim 13, Siegel et al. teaches a system, wherein the resource is a Web service storing information related to the selected item (§ 48).
15. As per claim 14, Siegel et al. teaches a system, wherein the resource is a database storing information related to the selected item (§ 48).
16. As per claim 29, Siegel et al. teaches a computer-readable storage medium, wherein extracting identifying data associated with the selected item from tile image includes processing the image with an optical character recognition program to produce the identifying data (§ 67).
17. As per claim 30, Siegel et al. teaches an integrated portable apparatus for obtaining item information for a selected item available for purchase at a location of a first retail entity (§ 71), the apparatus comprising: an input device for capturing an image of the selected item that contains identifying data associated with the selected item as provided by the first retail entity (§ 34); an output device for outputting item information for the selected item as obtained from a second retail entity that is different than the first

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retail entity (§ 70); a storage medium for storing said identifying data and program instructions for processing the image (§ 36-37); and a processing unit communicatively coupled to the input device, the output device, and the storage medium, for executing the program instructions that process the image by obtaining the item information for the selected item by communicating the image containing the identifying data to the second retail entity, wherein the selected item is available for purchase from the second retail entity (§ 69); and outputting on the output device the item information obtained from the second retail entity, wherein the output device communicates the item information to a user while the user remains at the location of the first retail entity (§ 71).

18. As per claim 31, Siegel et al. teaches an apparatus, wherein the processing unit further executes program instructions that process the image by extracting the identifying data from the image (§ 48).

19. As per claim 32, Siegel et al. teaches an apparatus, wherein the identifying data is barcode data and the processing unit extracts the barcode data by executing a barcode recognition program that operates on the image (§ 28).

20. As per claim 34, Siegel et al. teaches an apparatus, wherein the processing unit communicates the image to a server operated by the second retail entity at a location remote from the first retail entity, wherein the server extracts the identifying data from the image (§ 54-55).

21. As per claim 35, Siegel et al. teaches an apparatus, wherein the item information for the selected item is obtained by retrieving item information from a database

maintained on behalf of the second retail entity, wherein the item information corresponds to the identifying data for the selected item (§ 56-59).

***Claim Rejections - 35 USC § 103***

22. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

23. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

24. Claims 3 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siegel et al. as applied to claims 1 and 30 above, and further in view of Kinjo (2003/0063575).

25. As per claim 3, Siegel et al. teaches the mentioned limitations of claim 1 above and furthermore teaches a second retail entity (see Siegel et al., ¶ 71). But fails to teach a method, further comprising outputting the item information on an audio speaker of the imaging device when the item information is communicated to the imaging device.

However, Kinjo teaches a method, further comprising outputting the item information on

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an audio speaker of the imaging device when the item information is communicated to the imaging device (see Kinjo, ¶ 58). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Siegel et al. to a method, further comprising outputting the item information on an audio speaker of the imaging device when the item information is communicated to the imaging device in order to provide an order processing apparatus and an image photographing device with which a customer can easily place an order corresponding to images displayed on a display medium (see Kinjo, ¶ 8).

26. As per claim 33, the above-mentioned motivation of claim 3 applies fully in order to combine Siegel et al. and Kinjo. Siegel et al. and Kinjo teach an apparatus, wherein the identifying data is text data and the processing unit extracts the text data by executing an optical character recognition program that operates on the image (see Kinjo, ¶ 124).

27. Claims 12 and 15-28 have similar limitations as to claims 1-10, 13, 14, and 29-35 therefore, they are being rejected under the same rationale.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within



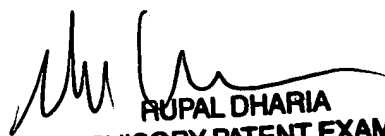
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER